

REMARKS

Claims 43, 44, 46, 48, 49, 51-59, 61, 62, 64, 66, 67, 69, 72-79, and 82-89 are pending. Claims 76, 77, 86 and 87 have been amended, and claims 90, 91 and 102-109 have been added, based on the disclosure at page 18, line 8, page 20, lines 7-8, and page 49, line 16. Claims 92-96 have been added based on the disclosure at page 9, lines 1-6 and page 37, lines 30-32. Claims 77 and 87, indicated as being allowable except for depending from a rejected base claim, have been rewritten as independent claims. Claims 97-101, to methods of using the compounds according to the invention to stimulate the immune system, have been added. Support is found on page 16, lines 27-30. Claims to methods of using the elected compounds are properly examined in this application, under the doctrine set forth in *In re Ochiai*. Claims 43, 44, 46, 48, 49, 51-59, 61, 62, 64, 66, 67, 69, 72-79, and 82-109 remain in the case.

In the current Action, claims 76 and 86 are rejected under 35 U.S.C. §102(b) based on Glass and Fuchs (1988). Claims 76 and 86 have been amended to recite a therapeutic which comprises a pharmaceutically inert carrier, and claims 90 and 91 have added to more particularly recite a therapeutic agent formulated for parenteral administration. Glass and Fuchs (1988) disclose the sequence and expression of a human Type II mesothelial keratin. The article teaches the sequence of a mesothelial keratin, a component important in filament assembly in cells (see first paragraph). No therapeutic use is suggested for the keratin, and thus there is no suggestion to combine the keratin with a pharmaceutically inert carrier as recited in amended claims 76 and 86, and more particularly to formulate it for parenteral administration as recited in claims 90 and 91.

Moreover, the mesothelial keratin described by Glass and Fuchs is discussed on page 37 of applicants' specification. There it is noted that the intermediate filaments described in Glass and Fuchs are polymerized to polyomers, whereas the present peptides are monomers or dimers. This also is discussed at the top of page 16. Claim 95 has been added to emphasize this distinction over Glass and Fuchs, and claims 92, 93, 94 and 96 have been added to recite this feature in connection with peptides and proteins comprising the other sequences disclosed in applicants' specification.

Applicants respectfully submit that all of the pending claims are now in condition for allowance. An early notice to this effect is earnestly solicited. If there are any questions regarding the application, the examiner is invited to contact the undersigned at the telephone number below.

Respectfully submitted,

January 18, 2002

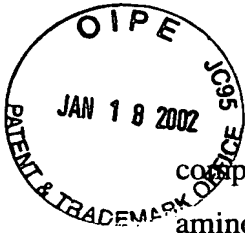
Date

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Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No. 19-0741 for any such fees; and applicant(s) hereby petition for any needed extension of time.

MARKED-UP VERSION OF AMENDED CLAIMS



Please amend claims 76, 77, 86 and 87 as follows:

76. (Twice Amended) A therapeutic agent for stimulating the immune system comprising an isolated peptide or protein having lectinic properties and comprising the amino acid sequence of SEQ ID NO:5, and a pharmaceutically inert carrier.

77. (Amended) [The] A therapeutic agent [of claim 76,] for stimulating the immune system comprising an isolated peptide or protein having lectinic properties and comprising the amino acid sequence of SEQ ID NO:5, and further comprising interleukin-2.

86. (Twice Amended) A therapeutic agent for stimulating the immune system comprising an isolated peptide or protein and a pharmaceutically inert carrier, wherein the amino acid sequence of SEQ ID NO:5 comprises the amino acid sequence of the peptide or protein, wherein the peptide or protein has lectinic properties, and wherein the peptide or protein is recognized by an antibody specific to an isolated peptide or protein having lectinic properties and comprising the amino acid sequence of [SEQ ID NO:4] SEQ ID NO:5.

87. (Amended) [The] A therapeutic agent [of claim 86,] for stimulating the immune system comprising an isolated peptide or protein , wherein the amino acid sequence of SEQ ID NO:5 comprises the amino acid sequence of the peptide or protein, wherein the peptide or protein has lectinic properties, and wherein the peptide or protein is recognized by an antibody specific to an isolated peptide or protein having lectinic properties and comprising the amino acid sequence of SEQ ID NO:5, and further comprising interleukin-2.